

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:

**ROBERT E. HICKS,
DEBTOR.**

**PETER J. BARRETT, IN HIS CAPACITY
AS CHAPTER 7 TRUSTEE OF THE
BANKRUPTCY ESTATE OF ROBERT E.
HICKS,**

MOVANT,

V.

**FRANKLIN AMERICAN MORTGAGE
COMPANY, A TENNESSEE
CORPORATION,**

AND

**CITIZENS AND FARMERS BANK,
RESPONDENTS.**

Chapter 7
Case No. 18-30214-KLP

Contested Matter

NOTICE OF (A) MOTION OF CHAPTER 7 TRUSTEE FOR (I) AUTHORITY TO SELL PROPERTY OF THE ESTATE AT PRIVATE SALE FREE AND CLEAR OF ALL LIENS, CLAIMS, RIGHTS, AND INTERESTS PURSUANT TO 11 U.S.C. § 363 AND BANKRUPTCY RULE 6004; (II) AUTHORITY RELATED TO CLOSING AND DISTRIBUTION OF SALE PROCEEDS; (III) APPROVAL OF COMPENSATION AND

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Counsel for Peter J. Barrett, Chapter 7 Trustee of the Bankruptcy Estate of Robert E. Hicks.

**EXPENSES OF TRUSTEE'S BROKER; AND (IV) RELATED RELIEF; AND
(B) NOTICE OF HEARING**

PLEASE TAKE NOTICE that on November 20, 2019, Peter J. Barrett, in his capacity as the Chapter 7 Trustee (the “**Trustee**”) for the bankruptcy estate of Robert E. Hicks (the “**Debtor**”), by his undersigned counsel, filed with the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division (the “**Bankruptcy Court**”), the Chapter 7 Trustee’s Motion for (I) Authority to Sell Property of the Estate at Private Sale Free and Clear of All Liens, Claims, Rights, and Interests Pursuant to 11 U.S.C. § 363 and Bankruptcy Rule 6004; (II) Authority Related to Closing and Distribution of Sale Proceeds; (III) Approval of Compensation and Expenses of Trustee’s Broker; and (IV) Related Relief (the “**Motion**”), whereby the Trustee requests authority to sell certain real property, not in the ordinary course of business, located at 3232 Grove Avenue, Richmond, Virginia 23221 and more specifically described as follows:

ALL that certain lot, piece or parcel of land, together with all improvements thereon and appurtenances thereto belonging, known, numbered and designated as No. 3232 Grove Avenue, lying and being in the City of Richmond, Virginia, and described as follows:

BEGINNING at the northeastern intersection of Grove Avenue and Tilden Street, thence running eastwardly along and fronting on the north line of Grove Avenue 33 feet and extending back northwardly from said from between the east line of Tilden Street and a line parallel therewith 140 feet to an alley 12 feet wide, all as show on the plot of survey by A.G. Harocopos & Associates, P.C., Certified Land Surveyor and Consultant, dated April 29, 1992, attached to and made a part of the Deed in Deed Book 302, page 1875, and to which plat reference is hereby made for a more particular description of the property hereby conveyed.

BEING the same real estate conveyed to Robert E. Hicks and April G. Straus from April G. Straus by Deed Dated January 12, 2015 and recorded simultaneously herewith.

(the “**Property**”), to buyer Louise Hallberg McCool (the “**Buyer**”) at the sale price of \$775,000.00.

PLEASE TAKE FURTHER NOTICE that the Trustee is requesting that the Court approve and authorize the payment of the following at closing of the Property on or before December 12, 2019:

- a) The first Deed of Trust of Franklin American Mortgage Company in an anticipated agreed amount;
- b) The second Deed of Trust of Citizens and Farmers Bank in an anticipated agreed amount;
- c) \$15,000 to April Straus;
- d) \$46,500, which is 6% of the Purchase price (\$23,250 to Blue Dog Realty (the “**Trustee’s Broker**”) and \$23,250 to the Buyer’s agent at Long and

Foster Realtors) and \$18,304 in reimbursement of actual, necessary expenses of the Trustee's Broker; and

e) Taxes and usual closing costs.

PLEASE TAKE FURTHER NOTICE that a hearing will be held on **December 11, 2019** **at 10:00 a.m.** in the United States Bankruptcy Court for the Eastern District of Virginia, Fifth Floor, Courtroom 5100, 701 East Broad Street, Richmond, Virginia 23219.

PLEASE TAKE FURTHER NOTICE that, pursuant to Federal Rule of Bankruptcy Procedure 6004(b) and Local Rule 9013-1(M), objections to this sale must be filed with the Court and served upon counsel for the Trustee on or before **December 4, 2019**. Absent the filing of a timely objection, the Court may deem any opposition waived at the hearing noticed above, and that a failure to file a response may result in the Court treating the matters as uncontested and entering an order granting the Motion prior to the hearing.

Dated: November 20, 2019

PETER J. BARRETT, TRUSTEE FOR THE
ESTATE OF ROBERT E. HICKS

/s/ Robert S. Westermann
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*Counsel for Peter J. Barrett, Chapter 7 Trustee of
the Bankruptcy Estate of Robert E. Hicks*

Certificate of Service

I hereby certify that on this 20th day of November, 2019, a true and correct copy of the foregoing Notice was served using the Court's ECF system, which thereby caused the document to be served electronically on all registered users of the ECF system that have filed notices of appearance in this matter. Further, I certify that on November 20, 2019, I sent a true and correct copy of the foregoing Notice to the parties listed on the Service List attached hereto and those listed below via first-class, U.S. mail.

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